

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

United States of America	)	Cr. No. 6:06-989-HMH
	)	
vs.	)	
	)	<b>OPINION &amp; ORDER</b>
James Rodrikus McGowan,	)	
	)	
Movant.	)	

This matter is before the court on James Rodrikus McGowan’s (“McGowan”) pro se motion for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. On November 3, 2010, the court summarily dismissed McGowan’s 28 U.S.C. § 2255 motion. For the reasons set forth herein, the court denies McGowan’s motion for relief from judgment.

Rule 60(b) “invest[s] federal courts with the power in certain restricted circumstances to vacate judgments whenever such action is appropriate to accomplish justice.” Compton v. Alton S.S. Co., 608 F.2d 96, 101-02 (4th Cir. 1979) (internal quotation marks omitted). “The remedy provided by the Rule, however, is extraordinary and is only to be invoked upon a showing of exceptional circumstances.” Id. at 102. Rule 60(b) “does not authorize a motion merely for reconsideration of a legal issue.” United States v. Williams, 674 F.2d 310, 312 (4th Cir. 1982). “Where the motion is nothing more than a request that the district court change its mind . . . it is not authorized by Rule 60(b).” Id. at 313. In his motion, McGowan reasserts the arguments put forth in his original § 2255 motion. Therefore, the court finds that McGowan has made no showing of exceptional circumstances or defects in the court’s decision. Based on the foregoing, McGowan’s motion is denied.

Therefore, it is

**ORDERED** that McGowan's motion for relief from judgment, docket number 80, is denied.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
June 28, 2011

**NOTICE OF RIGHT TO APPEAL**

The Movant is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.